

EXHIBIT "A"

SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of NEW YORK

SAMMART FASHION CO. LTD.

V.

SUMMONS IN A CIVIL ACTION

WEAR ME APPAREL CORP. d/b/a KIDS  
HEADQUARTERS AND HEYMAN CORPORATION

CASE NUMBER:

07 CV 4035

JUDGE BATTS

TO: (Name and address of Defendant)

HEYMAN CORPORATION  
120 SOUTH RIVERSIDE PLAZA  
CHICAGO, ILLINOIS 60606

WEAR ME APPAREL CORP. d/b/a KIDS HEADQUARTERS  
31 WEST 34th STREET  
NEW YORK, NEW YORK 10001

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Leslie Martin Shamis, Esq.  
PO Box 570  
Long Beach, NJ 11561

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

MAY 23 2007

J. MICHAEL McMAHON

CLERK

DATE

(By) DEPUTY CLERK

"A"

LESLIE MARTIN SHAMIS, ESQ.  
PO Box 570  
Long Beach, New York 11561  
(516) 889-9200  
Attorney to Plaintiff

STEVEN MITNICK, ESQ.  
MITNICK & MALZBERG, P.C.  
29 Race Street  
PO Box 429  
Frenchtown, New Jersey 08825  
(908) 996-3716  
Co-counsel to Plaintiff

SAMMART FASHION CO. LTD.

Plaintiff,  
v.

WEAR ME APPAREL CORP. d/b/a KIDS :  
HEADQUARTERS and HEYMAN :  
CORPORATION :

Defendant,

07 CV 4035

JUDGE BATTS

UNITED STATES DISTRICT COURT

: SOUTHERN DISTRICT OF NEW YORK

: Case No.

COMPLAINT

MAY 23 2007

STATEMENT OF JURISDICTION

1. Plaintiff, Sammart Fashion Co. Ltd., is a Hong Kong corporation, located at 1509 Asia Trade Centre, 79 Lei Muk Road, Kwai Chung, N.T., Hong Kong.
2. Defendant Wear Me Apparel Corp. is a New York corporation located at 31 West 34<sup>th</sup> Street, New York, NY, 10001.
3. Defendant Heyman Corporation is a Illinois corporation with offices located at 120 South Riverside Plaza, Chicago, Illinois, 60606.
4. Jurisdiction of this Court is based upon diversity of

citizenship, pursuant to 28 U.S.C. 1322, et seq., and the amount in controversy exceeds \$100,000.00.

**FIRST COUNT**

1. There is due from the defendants Wear Me Apparel Corp. d/b/a Kids Headquarters, and Heyman Corporation, to the plaintiff the sum of \$257,947.63 for goods sold and delivered and /or services rendered by the plaintiff to the defendants pursuant to the attached statement, (Exhibit "A").

2. The plaintiff sues the defendants for goods sold and delivered and/or services rendered by the plaintiff to the defendants upon the promise of the defendants to pay the agreed amount.

3. The defendants, being indebted to the plaintiff in the sum of \$257,947.63, upon an account stated between them did promise to pay to the plaintiff said sum upon demand.

4. Payment has been demanded and has not been made.

WHEREFORE, plaintiff demands judgment against the defendants Wear Me Apparel Corp. d/b/a Kids Headquarters, and Heyman Corporation, in the sum of \$257,947.63, plus costs and attorney's fees.

**SECOND COUNT**

1. Plaintiff repeats the allegations contained in the First Count of its Complaint as if stated verbatim herein.

2. Plaintiff sold goods and services to the defendant Hayman Corporation, and there is a balance due of \$257,947.63, which has


not been paid by Hayman Corporation, despite demand.

3. Upon information and belief, there was an asset sale by and between defendant Hayman Corporation and Wear Me Apparel Corp., wherein Wear Me Apparel Corp. purchased assets and assumed certain liabilities, including the debt which is the subject of this litigation.

4. Payment has been demanded and has not been received. Upon information and belief, as a result of the asset sale and assumption of liabilities by and between Heyman Corporation and Wear Me Apparel Corp., Wear Me Apparel Corp. is responsible for payment to the plaintiff.

WHEREFORE, plaintiff demands judgment against the defendants Wear Me Apparel Corp. d/b/a Kids Headquarters, and Heyman Corporation, in the sum of \$257,947.63, plus costs and attorney's fees.

I certify that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties should be joined in this action. R. 4:5-1.

  
LESLIE MARTIN SHAMS  
Attorney for Plaintiff

Dated: April 25, 2007

Index No. Year

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
SAMMART FASHION CO. LTD.,  
Plaintiff,

-against-  
WEAR ME APPAREL CORP. d/b/a KIDS  
HEADQUARTERS AND HEYMAN CORPORATION,  
DEFENDANTS,

SUMMONS AND COMPLAINT

Signature (Rule 130-1.1-a)  
First name beneath LESLIE MARTIN SHAMIS, ESQ.

LESLIE MARTIN SHAMIS  
ATTORNEY AT LAW  
Attorney for Plaintiff

Office and Post Office Address, Telephone  
64 WEST PARK AVENUE  
P.O. BOX 570  
LONG BEACH, NEW YORK 11561-0570  
(516) 889-9200  
FAX (516) 889-9105

To  
Attorney(s) for  
Service of a copy of the within is hereby admitted.  
Dated,

Attorney(s) for

NOTICE OF ENTRY

PLEASE take notice that the within is a (certified)  
true copy of a  
duly entered in the office of the clerk of the within  
named court on

Dated,  
Yours, etc.

LESLIE MARTIN SHAMIS  
ATTORNEY AT LAW

Attorney for

Office and Post Office Address  
64 WEST PARK AVENUE  
P.O. BOX 570  
LONG BEACH, NEW YORK 11561-0570

To

Attorney(s) for

NOTICE OF SETTLEMENT

PLEASE take notice that an order  
of which the within is a true copy will be presented  
for settlement to the Hon.

one of the judges of the within named Court, at

on  
at  
Dated,  
Yours, etc.

LESLIE MARTIN SHAMIS  
ATTORNEY AT LAW

Attorney for

Office and Post Office Address  
64 WEST PARK AVENUE  
P.O. BOX 570  
LONG BEACH, NEW YORK 11561-0570

To

Attorney(s) for